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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,283	06/20/2003	Anil Malhotra	141388.00000-P1215US01	6343

25207 7590 04/08/2005

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EXAMINER

LEVINE, ADAM L

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,283

Applicant(s)

MALHOTRA, ANIL

Examiner

Adam Levine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8 Jan. 2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claim 13 is objected to because of the following informalities: It uses self contradictory terminology ("...wherein the step of rejecting said selected organized event group by the user consists of the steps: ... e) accepting for purchase said selected organized event group by the user....". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Maes (US Pub. No. 2002/0002502).

Maes teaches all of the limitations of Claims 1 and 2. For example, Maes discloses a purchase recommendation method for items by a user, comprising the step of providing predetermined selections of items for purchase (see at least p. 3, 0028).

Maes further discloses:

- correlating said predetermined selections of items according to a weighted attribute scale: (see at least p. 2, 0016 and p. 3, 0024).
- receiving selected attributes of preference from the user: (see at least p. 3, 0027);
- determining a match between correlated predetermined selections and received selected attributes: (see at least p. 1, 0011 and p. 6, 0059).
- presenting said determined match to the user for purchase (see at least p. 5, 0052).
- receiving a rejection of said presented determined match by the user (see at least p. 5, 0053, p.7, 0071 p. 12, 0119).
- presenting a subsequent determined match to the user for purchase (see at least p. 5, 0052 and p. 11, 0115-116).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes (US Pub. No. 2002/0002502) in view of Walker (US Patent No. 6,240,396).

Maes teaches a product brokering method and system for identifying and rating product choices based on a set of preferences and prior choices using both content based (constraint) filtering and collaborative filtering. Maes teaches providing a set of products comprising selected product choices derived from the user (see at least abstract and p.1, 0010). Maes further teaches:

- determining selected recommendations via a preference mapping engine: (see at least p. 6, 0059-61, p. 8-9, 0084, and p. 9, 0094).
- deriving a score for a product or group of products from preferences received from the user: (see at least p. 3, 0027-30, p. 4, 0033, and p. 4-5, 0048, 0050, and 0054).
- organizing said determined selected recommendations according to said product score: (see at least p. 6, 0059).
- presenting selected said organized set of products to the user for purchase: (see at least p. 5, 0052).
- said group of products consisting of at least one derived from the user: (see at least abstract, p. 3, 0024, p. 6 0059, 62, p. 9 0093).
- said preference mapping engine consisting of:

providing a catalog of selected attributes stored on a database: (p. 2, 0007, 0015, Fig. 2, p. 7, 0065-66);

deriving selected preferences from the user: (see at least abstract and p. 2, 0013);

comparing selected attributes and selected preferences: (p.1, 0005, p. 1-2, 0012, p. 6, 0059); and

deriving a preference map from said derived selected preferences from the user and said stored selected attributes: (see at least p.1, 0005, p. 6, 0059-61).

- said preference map consisting of:

determining a relevance score denoting selected attributes: (see at least p. 3, 0027);

determining a prominence score denoting relative prominence of the selected attributes: (see at least p. 10, 0103);

deriving an attribute score, said attribute score defining a quantitative relationship of said relevance score and said prominence score of said selected attributes stored on said database: (see at least p. 2, 0021, p. 5, 0054 – p. 6, 0057, Fig. 1); and

adding said attribute score to said product group score: (see at least p. 3, 0027, 0029).

- quantitative relationship is the product of prominence score and attribute score: (see at least p. 3, 0031, p. 5, 0054 – p. 6, 0057).

- organized selected recommendations are sorted from highest to lowest score: (see at least p.1, 0005, p. 3, 0027).
- rejecting said selected organized group by the user: (see at least p. 5, 0053, p.7, 0071, p. 12, 0119).
- rejecting said selected organized group consists of:
 - presenting said selected organized group to the user: (see at least p. 3, 0028); presenting next group in sequence: (see at least p. 11, 0115-116);
 - accepting said group for purchase by the user: (see at least p. 4, 0046); accepting next in sequence: (see at least p. 5, 0052);
 - terminating the recommendation presentation (see at least p. 8, 0077).

Maes teaches all of the above as noted under the 103(a) rejection and teaches a) users entering details of the item they would like to purchase, b) users entering opinions and preferences regarding other products, c) users entering personal information and purchases or preferences of users with similar personal traits being gathered, stored, and compared, and d) groups of products being suggested or recommended to users based on their specified preferences, and desired product details. Maes, however, does not disclose application of the method to event groups. Walker teaches the application of similar systems and methods for the management of conditional purchase offers for event tickets (see at least abstract and column 9 line 47 - column 10 line 4), and teaches providing a list of recommended purchases based on

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the users' preferences (see at least column 9 line 9 – column 10 line 9). Walker further teaches:

- events selected from the group consisting of musical concerts, theatrical productions, opera productions and ballet productions: (see at least column 1 lines 35-40), and
- accepting for purchase said selected organized event group by the user (see at least Fig. 7g, column 10 lines 43-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Maes to make purchase recommendations for groups of products such as event tickets as taught by Walker, in order to facilitate the remote purchase and sale of event tickets based on consumer preferences and thereby increase sales for the commerce site.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Henrion, US Pub. No. 2002/0077931, June 20, 2002; teaches automated decision advisor that interacts with users to determine preferences, help discriminate between items, and generate lists of recommended items with explanations of pros and cons of recommendations based on expressed needs.
- Internet Archive, www.archive.org; launch.yahoo.com (selected pages from November 19 through December 27, 2001); teaches systems and methods for creating a personalized music experience ("radio station") by allowing the user to select specific performers, genres, sub-genres, and styles, and continually modifying the selections presented to the user based on ratings of each specific trait of each item.
- Business Wire, Launch, Your Yahoo! Music Experience, Delivers Jam-Packed Month of Exclusive Events During "Mega Music May;" May 1, 2002, p. 1, 3pp., Proquest# 117279125 (describes the aforementioned website).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 703.305.0836. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 703.308.1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adam Levine
Patent Examiner
April 1, 2005


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